

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JEFFREY THOMAS
Petitioner,

vs.

Docket No.: 4:08-CV-599 (CEJ)

UNITED STATES OF AMERICA
Respondent.

**MOTION TO HOLD NOTICE OF APPEAL IN ABEYANCE
PENDING RESOLUTION OF THE TIMELY FILED MOTION
FOR RECONSIDERATION PURSUANT TO RULE 59(e)**

COMES NOW, Jeffrey Thomas and request this Honorable Court hold the Notice of Appeal on the denial of the Title 28 U.S.C. § 2255 be held in abeyance pending resolution of the timely motion for reconsideration currently pending before this Court.

Although, Petitioner's motion for reconsideration was timely filed, Petitioner wishes to err on the side of caution and assure this Court that the notice of appeal was timely filed in the Clerks Office.

Accordingly, Petitioner requests that this Honorable Court will hold this timely filed Notice of Appeal in abeyance pending the resolution on the motion for reconsideration. *See Innovative Home Health Care, Inc.,*

v. P.T.O.T. Association of Black Hills, 141 F.3d 1284, 1286 (8th Cir.
1998)(timely filed Rule 59(3) motion to alter or amend the judgment
tools the time for appeal)

Done this 10th, day of August 2009

Respectfully submitted,

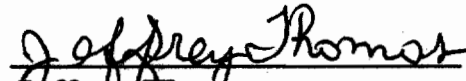

Jeffrey Thomas

Register No.: 30695-044
Federal Medical Center – Bluegrass
P.O. Box 14500
Lexington, Kentucky 40512

CERTIFICATE OF SERVICE

I HERBY DO CERTIFY that a true and correct copy of this to: A.
U. S. A. John Bodenhausen, 111 South 10th Street, Room 20.333, St.
Louis, MO 63102 via the Federal Bureau of Prisons Legal Mail System
with sufficient First Class Postage.

I hereby do certify that pursuant to
Penalty of Perjury Title 28 U.S.C. §
1746 that on this 10th day of August
2009 I signed and mailed this
document via the Federal Bureau of
Prisons' Legal Mail System.


Jeffrey Thomas

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Federal Medical Center – Bluegrass
P.O. Box 14500
Lexington, Kentucky 40512

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Lexington, KY 40512-4501

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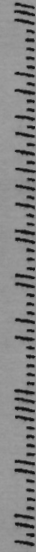
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U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

Office Of The Clerk
United States District Court
Eastern District of Missouri
111 S. Tenth Street
St. Louis, Missouri 63102

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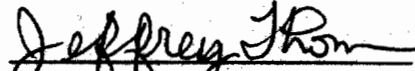
Respondent.

NOTICE OF APPEAL

COMES NOW, Petitioner Jeffrey Thomas with his Notice of Appeal pursuant to Rule 4(c), of the Federal Rules of Appellate Procedure, on the District Court's Order entered on June 19, 2009.

Done this 10th, day of August 2009

Respectfully submitted,



Jeffrey Thomas

Register No.: 30695-044

Federal Medical Center - Bluegrass

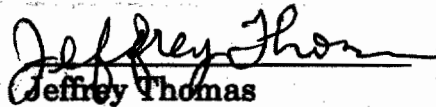
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